

NCIC IDENTITY THEFT FILE

Judging by the results of the 2009 TAC test, many of you are unaware of the NCIC Identity Theft file. *Whether your agency makes NCIC entries or just inquires into NCIC, **you should be familiar with the NCIC Identity theft file.***

The NCIC Identity Theft file has been established to protect victims of identity theft, and to protect them when they come in contact with law enforcement. It also helps to identify the offenders when they come in contact with law enforcement.

The *NCIC Operating Manual* states:

"The Identity Theft File will serve as a means for law enforcement to "flag" stolen identities and identify the imposter when encountered by law enforcement.

"When an identity theft victim becomes aware that his/her identity has been stolen and reports the incident to law enforcement, the agency's handling of the identity theft case should parallel the criteria as outlined in this chapter. The police officer should complete an incident report and collect pertinent information from the victim to create a victim profile that is entered into the Identity Theft File...The profile should include information such as the victim's name, date of birth, Social Security number, and the type of identity theft. In addition, a password is established either by the victim or the police officer and entered into the Identity Theft File. The password will identify the person as the victim and should be provided to the victim when the police report is filed. The victim should retain the password to use during any potential future police encounters.) Agencies may also enter a mugshot of the victim into NCIC. When the mugshot is retrieved, it must clearly specify that the mugshot is that of the victim and not that of the offender.

"During a subsequent encounter by law enforcement...a person query into NCIC will automatically search the Identity Theft File and, if positive, generate a response to the inquiring agency. The officer will receive a response listing

the victim profile, including the password, thereby providing the officer with the information necessary to verify that the person encountered is the victim or that the person may be using a false identity.

"Information on deceased persons may also be entered into the Identity Theft File. If a police officer becomes aware of a deceased person's identity being stolen, that information can be entered into the file noting that the person is deceased.

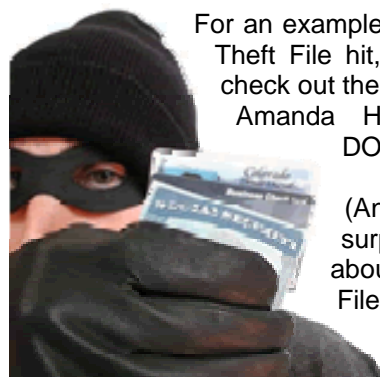
For further information about the NCIC Identity Theft file, please see the updated *NCIC Operating Manual* at

<http://dpsemployees.utah.gov/TAC/TACManuals.html>

If you make an NCIC inquiry on the victim's information, an NCIC Identity Theft Hit will come back. Your agency personnel must know how to react when they get a hit on this file!

The password chosen by the victim can be found in the PWD field on the hit. If the person in custody knows the password and matches the victim description and knows the password, you are probably dealing with the victim.

As further protection for the victim, BCI strongly suggests attaching the victim's fingerprint to the entry. Fingerprints are especially helpful when the identity thief is a sibling or twin of the victim.



For an example of an NCIC Identity Theft File hit, please feel free to check out the NCIC test record for Amanda Hugginkiss, Female, DOB 19400229

(And don't be too surprised if a question about the Identity Theft File shows up in future TAC tests. Just saying.)

NEW DUI SUMMONS & CITATION FORM

ATTENTION ALL USERS! PLEASE PASS ON TO APPROPRIATE PERSONS!

Effective July 1, 2009 and upon receipt of the revised DUI summons and citation form, please destroy all previous versions of the DUI form and use only the form with the revision date of June 1, 2009.

There are changes on the new form to reflect the correct suspension/revocation periods that become effective July 1, 2009 as a result of the passage of SB272. If old forms are used, the Division may not be able to take administrative action based on language that is no longer valid.

HB292 also required some language changes on the Uniform Traffic Citation form. The printing company that most agencies use is RR Donnelley; they have been notified of the language change on the citation form. Please ensure the updated language is added to the Uniform Traffic Citation form upon your next printing.

If you do not use RR Donnelley and need to obtain the updated language, please contact Driver License, Kim Gibb kgibb@utah.gov or 801-964-4483.

WZIP INFORMATION & THE INTERNET

Taking information from UCJIS' WZIP transaction and putting it on the internet is a direct violation of UCJIS policies and Utah State Code.

Utah Code 53-10-108 states in part:

(1) Dissemination of information from a criminal history record or warrant of arrest information from division files is limited to:

(a) criminal justice agencies for purposes of administration of criminal justice and for employment screening by criminal justice agencies.

Each individual court owns its own warrants, and may disseminate its own warrant information how it chooses. However, the information from the WZIP transaction is obtained through UCJIS' SWW system (see 53-10-108) and contains warrant information from all courts in the state.

SUCCESS STORIES!

BCI would like to hear your UCJIS success stories!

Did information in the UCJIS files help you locate a suspect, find a wanted or missing person, identify a body, determine who may have committed a crime, or contribute to your daily tasks in any way?

Responses from our TAC follow-up survey indicate that many people would like to hear actual stories of how UCJIS is used at other agencies. Your experiences can help other agencies perform their jobs better. Firsthand accounts can also help BCI tailor our training to real-life experiences.

ATTENDANCE AT THE 2010 CONFERENCE AND THE TAC TEST

As mentioned in the 2009 BCI Reminders, TACs from agencies that do not have at least one of their TACs at the 2010 TAC Conference must take the 2010 TAC Test – even if they took the 2009 test.

If your agency has several TACs, you can avoid this situation by sending at least one of your TACs to the 2010 Conference. (Not *all* of your TACs need to attend.)

However, if *no* TACs from your agency attend the 2010 Conference, *all* TACs at your agency must take the 2010 TAC Test – even if any or all of these TACs passed the 2009 test.

If you choose to have another agency represent your agency, or if you choose to come to the Inquiry Baseline class instead, *all* TACs at your agency will have to take the 2010 test.

We understand that emergencies and important personal events can occasionally prevent an agency from sending a representative to the annual TAC Conference – particularly for smaller agencies. However, we have also noticed that some agencies make it a practice to always have another agency represent them, or to always come to Baseline.

And although most TACs who represent other agencies do a good job of passing on the information from the TAC conference, a few do not adequately relay the information presented at the conference.

WE NEED YOUR FORMS!

Don't forget to turn in your "yellow" forms that you received in your materials at TAC Conference. This includes your 2009-2010 User Agreement, ORI Validation Form, and Training Memo.

These forms can be mailed or faxed to BCI. (Fax 801-965-4749.)

NCIC AND STATEWIDE WARRANTS

Please keep in mind that the Utah Statewide Warrant system and the NCIC Wanted Person file are two different databases. Taking action on one file has no effect on the other database.

Removing a warrant from the Utah Statewide Warrant system does not remove any entries in the NCIC Wanted Person files. Clearing an individual from the NCIC Wanted Person files does not remove any Utah Statewide Warrants the person may have.

If you are a court recalling a *felony* warrant you may want to double check NCIC to ensure the person is also not listed NCIC for the same warrant. (In order to do so your court will need access to the NCIC files.)

If you are a law enforcement agency locating or clearing a wanted person entry, please double-check the SWW database and notify the court if the same warrant is on SWW.

As part of the NCIC validation process, law enforcement agencies also need to contact the court or prosecutor to verify that the individual is still wanted.

Leaving an invalid warrant on SWW or NCIC may leave your agency liable in the event the person is arrested on an invalid warrant.

TEST HINTS

Here are a few hints on frequently missed questions on the 2009 TAC Test.

Many people missed #9 on the NCIC Inquiry Test. Don't forget that the QW1 transaction runs all person queries (wanted, missing, protection order, identity theft, etc.). And, according to the test

question, we know the individual's exact date of birth.

Pull up a blank QW1 transaction and a blank QM1 transaction on your UCJIS screen and look at the differences in the field. Does the QM1 transaction give you a place to enter the date of birth?

Many people are also missed #10 on the Statewide Warrant Inquiry test. Remember that if a warrant is entered correctly, it shows the court that issued the warrant, and the law enforcement agency that originally cited or arrested the defendant. Make sure you review the SWW Inquiry section of the *BCI Operating Manual* to learn how to tell which agency made the initial arrest or citation!

VGTOF FILE CHANGES

NCIC's Violent Gang and Terrorist Organization File (VGTOF) has now been separated into two different files: the Gang File and the Known or Appropriately Suspected Terrorist (KST) file.

The KST file's origins are based upon Homeland Security Presidential Directive-6 signed in September 2003. The Terrorist Screening Center (TSC) was established to consolidate the Federal Government's approach to terrorism screening and to provide for the appropriate and lawful use of terrorist information in the overall screening process.

The TSC alone has the authority to enter and update a record for an individual who has been nominated as a known or appropriately suspected terrorist subject to the TSC. The TSC is the only agency authorized to enter or cancel a supplemental record for an individual who has been nominated as a known or appropriately suspected terrorist subject. The supplemental record procedures are the same as those for Gang File records which are detailed in the Gang File chapter.

For further information on the Gang and KST files, please refer to "NCIC Operating Manual 8/2/2009 (zip file)" at <http://dpsemployees.utah.gov/TAC/TACManuals.html>

UCR/IBR INFORMATION

BCI recently sent some of the NIBRS submitting agencies combined error reports for the months of January 2008 thru May 2009. We found that some agencies are under the mistaken impression that if January's error report has 3% errors, and

February's error report has 0% errors, that must mean that all of January's errors have been corrected. Not true!

Each month's error report only counts errors for the NIBRS data submitted that month. So a 0% error rate for one month doesn't indicate that the previous month's errors have been corrected.

Each month, please review your attachments (includes posting report and any monthly error report) that are e-mailed to you after BCI processes your NIBRS file. To ensure accurate reporting, please make sure you are fixing your NIBRS errors. Failure to fix errors can erroneously increase or decrease your agency's crime rate.

BIAS MOTIVATION CODES

BCI's Bias Motivation Code table is currently out-of-date. We do not include the codes of 51 (Anti-physical disability) or 52 (Anti-mental disability). Until this issue is resolved you will receive the "204": Bias Motivation Code - Not on FBI Validation Table" error.

MISSING PERSONS

AMBER ALERT POLICIES

Is your agency's AMBER Alert policy up-to-date?

BCI has been requesting AMBER Alert policies from law enforcement agencies as part of our audit process. Many of the AMBER Alert Policies are a few years out of date, and may cause problems if your agency needs to issue an AMBER Alert.

Remember that one of our four criteria reads "Is this child 17 years of age or younger?" Many policies from agencies we are auditing ask "Is this child 17 years of age or younger, or an adult with a proven mental or physical ability."

Remember that AMBER Alerts can only be issued for individuals who are physically 17 years of age or younger. An AMBER Alert cannot be issued for anyone 18 years of age or older, regardless of that individual's mental or physical capacities.

If an individual who is 18 or over goes missing from your agency, we encourage your agency to issue an "Endangered Person Advisory" or EPA. When your agency does issue an EPA, don't forget to call BCI at 801-965-4446.

Also, when your agency does issue an AMBER Alert, do not call or fax Salt Lake DPS Communications. Also, do not call the Help Desk number at 801-965-4446. Please call BCI at 801-503-5566. This number, **801-503-5566**, is reserved only for AMBER Alerts, and must not be used for any other purpose. Calling this number for other reasons will a) tie up the phone line, and prevent a real AMBER Alert call from reaching BCI, and b) will give the individual working the Help Desk an unnecessary heart attack.

DATA COLLECTION FOR MISSING PERSONS

It is estimated that there are over 40,000 unidentified persons under investigation across the US. This is a staggering number. Even more staggering is that only about 7,000 are being actively entered into the FBI's NCIC (the National Crime Information Center) although most of the unidentified persons are deceased, it is estimated that as many as 30% to 40% are living. Some are unwilling to identify themselves; they are actively hiding from us. Some are unable to identify themselves; they are confused by Alzheimer's, incapacitated by mental disability, or by injury – or they are dead. Whatever the reason, alive or not, how can it be that these persons have not been identified? How many must be on the rolls of the 111,000 active long-term missing person's cases in the US?

There are only three scientifically-acceptable ways to identify someone who is either unwilling or unable to identify themselves: fingerprints, dental records, and DNA.

Currently, on average missing persons records across the United States include the following records at the following rates:

Fingerprints – Less than 1%
Dental Records – About 4%
DNA – Much less than 1%

No wonder there are 40,000 unidentified persons.

DENTAL

All dental information has been collected and reviewed (including, but not limited to all original radiographs, treatment records, dental photographs, and dental models. Once obtained, these records must be mailed to your state missing person's clearinghouse. The NCIC record must be

updated to describe the availability of dental X-rays and charts, and the dental characteristics must be coded for entry into the NCIC record. The clearinghouse is the only agency in the state of Utah that can enter a dental record. Please call 801-965-4686 for further information.

*** Southern Utah now has an NCIC trained dentist to chart missing persons dental. Julie Buchanan has offered to donate her time to chart records for law enforcement****

Julie M. Buchanan D.D.S.
An Apple A Day Family Dentistry
382 South Bluff Street Suite #200
Saint George, Utah 84770
Office Phone # 435-628-6168
Fax # 435-628-2208

DNA

The best source of a missing person's DNA is from the missing person himself (or herself) – referred to as a "direct" DNA sample. Missing persons leave their DNA behind on toothbrushes, shaving razors, hairbrushes, finger and toenail clippings, unwashed clothing, hats, chewing gum, etc. If these items were not left behind (and even if they were), "reference" DNA samples should be obtained from blood relatives. Family DNA reference kits can be obtained from the Utah clearinghouse (BCI). The samples are sent to North Texas Center for Human Identification and are processed for law enforcement free of charge. The DNA is downloaded into CODIS to be compared to unidentified decedents.

FINGERPRINTS



The missing person's fingerprints may be located via a wide variety of sources, including (but not limited to): arrests, employment and background applications, military service, *and even through check-cashing facilities and social services*. The fingerprint (even the single thumbprint) should be "registered" (not just "run") into Automated Fingerprint Identification System (AFIS - State) and the Integrated Fingerprint

Identification System (IAFIS - FBI). Many investigators are under the impression that only criminal fingerprint records may be "registered" into AFIS. The fact is that AFIS is a database to be used for law enforcement purposes, and this is one of its purposes.

You can contact the Utah Missing Persons Clearinghouse with any questions gmcneil@utah.gov or 801-965-4686

NCIC \$Ms

Just a reminder of how important \$M's could be to the detectives in your department. If a detective is working a long term missing persons cold case and there has been a match on an unidentified body, that detective may never know about the match. \$Ms are critical for missing or unidentified cases for this very reason. If you have any questions concerning a \$M message you can contact Gina at the missing persons clearinghouse 801-965-4686 or gmcneil@utah.gov

RECENT EVENTS & MISSING PERSON ENTRY AND IDENTIFICATION

http://www.msnbc.msn.com/id/32534223/ns/us_news-crime_and_courts/

The recent murder of model Jasmine Fiore emphasizes the importance of entering all possible physical identifiers into a missing person entry, and also highlights the ways in which an unidentified body can be identified.

Unfortunately, in Fiore's case, the serial numbers on her breast implants were the only means of identifying her body. Her murderer had removed her fingers and teeth, perhaps thinking that this would prevent law enforcement from positively identifying her body.

Never forget that any detail – no matter how unimportant it may seem – may identify a body, catch a murderer, or both.

FORWARD NEWS ITEMS TO: B.C.I., FIELD SERVICES, 3888 W 5400 S, SALT LAKE CITY UT 84118

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